

ORDINANCE NO. 2816-06

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE AMENDING SECTION 8.16.050 (SOLID
WASTE CONTAINERS) AND SECTION 19.38.030
(RECYCLING AND SOLID WASTE ENCLOSURES) OF THE
SUNNYVALE MUNICIPAL CODE**

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS
FOLLOWS:

SECTION 1. SECTION 8.16.050 AMENDED. Section 8.16.050 of the Sunnyvale
Municipal Code is hereby amended to read as follows:

8.16.050. Solid waste containers.

It is unlawful to permit any solid waste or recycling container to remain in
public view from any public right-of-way in any R-0, R-1, R-1.5, R-1.7/PD or R-2
district unless the container is stored in the side yard of the premises behind the face
of the house. For scheduled curbside pick-up, containers are permitted in public
view during the fifty-four-hour period commencing at 12:01 a.m. on the day
preceding the day of scheduled pick-up and terminating at six a.m. on the day
following such pick-up.

SECTION 2. 19.38.030 AMENDED. Section 19.38.030 of the Sunnyvale Municipal
Code is hereby amended to read as follows:

19.38.030. Recycling and solid waste enclosures.

(a) General Requirements. [Text unchanged]

(b) Residential Development.

(1) Single-family and multi-family uses of three or fewer units shall
store recycling and solid waste containers so that they are either screened
from public view from the public right-of-way or stored in the side yard of
the premises behind the face of the house. Containers may remain in
public view for purposes of collection in accordance with Chapter 8.16.

(2) Multi-family uses of four or more units shall provide recycling and
solid waste enclosures for the storage of recyclable materials, solid waste,
and refuse.

(A) Recycling and solid waste enclosures shall be constructed
of wood or masonry compatible with the main structure.

(B) Recycling and solid waste enclosures shall be located
within one hundred fifty feet from any unit unless otherwise approved by
the director of community development.

(c)-(e) [Text unchanged.]

SECTION 3. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid.

SECTION 4. CEQA EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 6. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 7. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on September 26, 2006, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2006, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM AND LEGALITY:

David E. Kahn, City Attorney